THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 5017 of 2006

Oral order:

By this writ petition, the petitioner seeks a direction to the respondents to maintain his seniority in the post of Controller from the date of his initial promotion on 15.07.1986 and consequently direct the respondents to consider his case for promotion to the next higher post on par with his juniors.

The petitioner, who was appointed as Conductor in the respondent-Corporation in 1975, was promoted to the post of ADC/Controller on 15.07.1986 and posted at Piler Depot. While he was working as such at Madanapalle-II Depot, he made an application dated 21.04.1996 to the 3rd respondent-Regional Manager, requesting him to revert him to the post of Conductor. Considering the said request, the 3rd respondent, vide orders dated 11.06.1996, reverted the petitioner from the post of ADC/Controller to the post of Conductor, and maintained his seniority in the cadre of Conductors. The petitioner made a representation dated 27.02.1997, requesting the respondents to maintain his seniority in the cadre of ADCs/Controllers, but the same was rejected vide orders dated 11.04.1997. Immediately, thereafter, the respondents vide proceedings dated 23.04.1997, prepared and approved a list of 12 Senior Drivers/Conductors/Booking Clerks, for their promotion as ADCs/Controllers, in which his name was also shown.

It is the grievance of the petitioner that since he sought reversion from the post of ADC/Controller to the post of Conductor on 21.04.1996 on temporary basis, his name could not have been shown

in the promotion list dated 23.04.1997, prepared and approved by the respondents, for promotion of 12 Senior Drivers/Conductors/Booking Clerks to the post of ADCs/Controllers, and the respondents are bound to maintain his seniority in the cadre of ADCs/Controllers.

The respondents filed a detailed counter. The learned Standing Counsel for the respondents reiterating the counter averments submitted that the petitioner after rendering nearly 10 years of service in the post of ADC/Controllers, made representation dated 21.04.1996 seeking his reversion to the post of Conductor, and considering his request, he was reverted. The reversion of the petitioner is not temporary, and his reversion being a permanent one, his seniority was maintained in the cadre of Conductors, and accordingly his representation dated 27.02.1997 was replied by the respondents vide orders dated 11.04.1997, and more so when there is no provision for reverting on temporary basis or restoring the seniority in the post from which he sought reversion. The petitioner, thereafter, vide orders dated 27.06.1997 was promoted as ADC/Controller based on his seniority in the cadre of Conductors. The said orders attained finality, for the petitioner has not assailed the same. Therefore, he is not entitled to claim seniority in the cadre of ADCs/Controllers from the date of his initial promotion.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

The petitioner, admittedly, was promoted from the post of Conductor to the post of ADC/Controller on 23.07.1986. While so on his request, he was reverted to the post of Conductor on 11.06.1996. Though the petitioner contends that he sought temporary reversion, the same is denied by the respondents and it is contended by them that the reversion of the petitioner is not temporary, but a permanent one.

Since the petitioner's reversion is a permanent one, his seniority in the cadre of Conductors was maintained, and the petitioner was also by orders dated 11.04.1997 of the respondents was informed that his request for restoration of his seniority in the cadre of ADCs/Controllers was rejected as there is no provision for temporary reversion or restoration of seniority. The petitioner, admittedly did not question the said proceedings, and on the other hand, accepted his promotion as ADC/Controller on 27.06.1997. The petitioner having been reverted on his request, and his request for restoration of his seniority in the post of ADC/Controller from the date of his initial promotion having been rejected, and he having accepted his promotion once again as ADC/Controller, cannot now contend that his seniority in the post of ADC/Controller should be maintained from the date of his initial promotion, and he should be promoted to the next higher post on par with his juniors.

The writ petition is devoid or merit, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Dated: 1st February, 2007.
KSR